

# Notice of Allowability

Application No.

09/660,992

Examiner

L. G. Lauchman

Applicant(s)

KAO ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment received 9/29/2004.
2. ☐ The allowed claim(s) is/are 1-13 and 21-24.
3. ☒ The drawings filed on 29 September 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

***Allowable Subject Matter***

Claims 1-13 and 21-23 are allowed.

The following is an examiner's statement of reasons for allowance:

The declaration under 37 CFR 1.132 filed 9/29/2004 is sufficient to overcome the rejection of claims 1-6 and 21-24 based upon 35 U.S.C. 102 (e) rejection and the rejection of claims 7-13 based upon 35 U.S.C. 103 (a) rejection.

The applicant canceled claims 14-20 and submitted declarations under 1.132 by H.P. Kao and S.C. Macevicz in favor of allowance of the existing claims.

As to Claim 1, the prior art of record taken along or in combination, fails to disclose or render obvious optical channels on opposite sides of said stream bed having reflecting walls confronting said streambed and parallel to the direction of said streams, one of said reflecting walls positioned for receiving light from light source and directing said light orthogonally through said streambed, and the other of said optical channels for reflecting said light to a light dump, in combination with the rest of the limitations of the claim.

The dependent Claims 2-6 are allowed by virtue of their dependence upon Claim 1.

As to Claim 7, the prior art of record taken along or in combination, fails to disclose or render obvious optical channels on opposite sides of said stream bed having reflecting walls confronting said streambed and parallel to the direction of said streams, one of said reflecting walls positioned for receiving light from light source and directing said light orthogonally through said streambed, and the other of said optical channels for reflecting said light to a light dump, in combination with the rest of the limitations of the claim.

The dependent Claims 8-10 are allowed by virtue of their dependence upon Claim 7.

As to Claim 11, the prior art of record taken along or in combination, fails to disclose or render obvious optical channels on opposite sides of said stream bed having reflecting walls confronting said streambed and parallel to the direction of said streams, one of said reflecting walls positioned for receiving light from light source and directing said light orthogonally through said streambed, and the other of said optical channels for reflecting said light to a light dump, in combination with the rest of the limitations of the claim.

The dependent Claims 12 and 13 are allowed by virtue of their dependence upon Claim 11.

As to Claim 21, the prior art of record taken along or in combination, fails to disclose or render obvious an optical channel on one side of said stream bed having reflecting walls confronting said streambed and parallel to the direction of said streams, one of said reflecting walls positioned for receiving light from light source and directing

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said light orthogonally through said streambed, in combination with the rest of the limitations of the claim.

The dependent Claims 22-24 are allowed by virtue of their dependence upon Claim 21.

The closes prior reference of Yeung et al (US 5,741,411) teaches a capillary electrophoresis device, however it does not have an optical channel(s) as claimed in the present application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Papers related to this application may be submitted to Technology Center 2800 by facsimile transmission. Papers should be faxed to TC 2877 via the PTO Fax Center located in CP4-4C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Center number is (703) 872-9306.

If the Applicant wishes to send a Fax dealing with either a Proposed Amendment or for discussion for a phone interview then the fax should:

a) Contain either the statement "DRAFT" or "PROPOSED AMENDMENT" on the Fax Cover Sheet; and

b) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to L. G. Lauchman whose telephone number is (571) 272-2418. The examiner's normal work schedule is 8:00am to 4:30pm (EST), Monday through Friday. If attempts to reach examiner by the telephone are unsuccessful, the examiner's supervisor Gregory J. Toatley, Jr. can be reached on (571) 272-2059, ext. 77.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC receptionist whose telephone number is (571) 272-1562.

A handwritten signature in black ink, appearing to read 'L. G. Lauchman', with a stylized, flowing script.

L. G. Lauchman  
Patent Examiner  
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December 12, 2004